
W.No.47

AMARAVATI, THURSDAY, NOVEMBER 23, 2023

G.2422

**PART I - NOTIFICATIONS BY GOVERNMENT, HEADS OF DEPARTMENTS
AND OTHER OFFICERS**

--X--

NOTIFICATIONS BY GOVERNMENT

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

LFB & IMS Department – Guidelines for transfer of Regular Employees in Industrial Tribunals-cum-Labour Courts in the State of Andhra Pradesh in compliance of the orders of Hon'ble High Court of A.P in W.P.No.20290 of 2021 – Orders – Issued.

=====

LABOUR FACTORIES BOILERS & IMS (Boilers & Coordn.) DEPARTMENT

G.O.Ms.No.17.

Dt: 27/09/2023

Read the following:

1. G.O.Ms.No.62, Employment and Social Welfare (XI) Department, dated.24.01.1976.
2. From the High Court of A.P., W.P.No.20290 of 2023 filed by Sri Pasam Rajesh, Senior Accountant, O/o. Industrial Tribunal-cum-Labour Court, Guntur.
3. Orders of Hon'ble High Court Dt.11.07.2022 in W.P.No. 20290/2021.
4. From the Commnr.of Labour, AP, Lr.No.F/ID Act/297/2023, Dt.03.02.2023.
5. From the High Court of A.P., Show Cause Notice in C.C.No.234 of 2023, Dt.18.01.2023 filed by Sri Pasam Rajesh, Senior Accountant, O/o. Industrial Tribunal-cum-Labour Court, Guntur.

&&&&

ORDER:

In the reference third read above, the Hon'ble High Court of Andhra Pradesh in its orders Dated.11.07.2022 in W.P.No.20290/2021 filed by Sri Pasam Rajesh, Senior Accountant, O/o. Industrial Tribunal-cum-Labour Court, Guntur has given following direction, as far as the LFB&IMS Department is concerned:

".....directing the 2nd respondent to formulate a Transfer and Promotion Policy for the staff working in Labour Court-cum-Industrial Tribunals in the State of Andhra Pradesh, within a period of eight (08) weeks from the date of receipt of a copy of this order."

2. The Commissioner of Labour in his letter fourth read above, has stated that Government have issued orders vide G.O.Ms.No.62, Employment and Social Welfare (XI) Department, dated 24.01.1976,

(P.T.O)

Labour Courts will be separate Heads of Departments for the purposes of FRs, Manual of Special pay and Allowances and A.P.F.C. Code etc. and also informed that each Labour Court is an independent body and the Commissioner of Labour is not competent for the transfers and postings of the employees working in the Labour Courts and requested to take necessary action accordingly in the matter.

3. Further, as per the Andhra Pradesh Ministerial Service Rules, 1998 for the clerical and Technical categories (Class A & B) defining Unit of appointment and Appointing authority, Transfers, Postings and Promotion i.e., appointment by transfer in respect of said categories. According to which, the Rule 12(4) of the Andhra Pradesh Ministerial Services Rules, 1998 are as follows :

12. TRANSFERS AND POSTINGS :

(1)xxx

(2)xxx

(3)xxx

(4)Notwithstanding anything contained in rules 18,19,20 and 21 all the transfers of probationers and approved probationers either on administrative grounds or on request of the individuals from the unit of the office of the Head of Department originally allotted, to another unit of the office of the Head of the Department or the Offices notified as State level offices or Special Offices, to which the Andhra Pradesh Public Employment(Organisation of Local Cadres and Regulation of Direct Recruitment) Order, 1975, does not apply may be made by the Head of the Department concerned with the concurrence of the other Head of Department, subject to the condition that their seniority shall be regulated in accordance with the provisions contained in rule 15 of these rule.

Further Rule 13 of the Andhra Pradesh Ministerial Service Rules, 1988 are as follows :

13. Unit of Appointment :

Departmental Unit, recruitment, discharge and re-appointment :

For purposes of direct recruitment, promotion, appointment by transfer, seniority, discharge and re-appointment and appointment as full member to a service and such other matters as may be

(contd...3)

::3::

specified by the State Government, a Departmental unit shall mean ;

(a) each office of a Head of the Department or the Directorate as the case may be :

Therefore, it is clear from Rule 13(a) of the Andhra Pradesh Ministerial Service Rules, Unit of Appointment ie., for purposes of direct recruitment, promotion, appointment by transfer seniority, discharge and re-appointment and appointment as specified by State Government, each office of Head of Department or the Directorate.

4. Government after careful examination of the matter and in compliance of the order Dated.11.07.2021 in WP.No.20290 of 2021 of the Hon'ble High Court of Andhra Pradesh is hereby issue the following guidelines in respect of transfers and promotions among the Industrial Tribunal-cum- Labour Courts of Guntur, Visakhapatnam & Ananthapuramu in the State of Andhra Pradesh.

- (i) All the transfer and postings shall be made during the lifting of the ban on transfers in the State of Andhra Pradesh.
- (ii) All the transfers on the preferences given by the employees and shall be effected by the competent authorities as per existing orders of subject to the existing Government orders and conditions subject to availability of vacancies and ceiling limit.
- (iii) For the purpose of defining station seniority, service at the station in all cadres and in all the offices located in station should be considered.
- (iv) Transfers should not exceed 20% of any one cadre.
- (v) The transfers should not violate the six point formula, as notified in G.O.Ms.No.610, G.A.(SPF.A) Department, Dt.30.12.1985 and as amended from time to time.
- (vi) The standing instructions on the transfers of office bearers of recognized Employees Associations in accordance subject to fulfilling the conditions laid down in the instructions issued by the Government from time to time.
- (vii) The requests of the employees having any charges/ACB/ Vigilance cases pending against him/her shall not be considered for transfer.
- (viii) The Head of the Department concerned is responsible for the implementation of the transfer orders.
- (ix) The Promotions of the employees among the Industrial Tribunal-cum-Labour Courts, Guntur/Visakhapatnam/ Ananthapuramu shall be made as per the existing the Andhra Pradesh State & Subordinate Services Rules & the Andhra Pradesh Ministerial Service Rules and amendments made thereon from the time to time by the Government.

(contd...4)

::4::

5. The Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Courts, Guntur, Visakhapatnam & Ananthapuramu shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR.M. HARI JAWAHARLAL
SECRETARY TO GOVERNMENT**

To

The Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Guntur, Ananthapuramu, Visakhapatnam.

The Commissioner of Labour, AP, Vijayawada.

The Registrar, High Court of A.P, Vijayawada.

Copy to:

The General Administration (Services) Department.

The Finance (HR.I.PLG.POLICY) Department.

The Law Department

PS to Hon' ble Min(LFB&IMS)

Sf/Sc.

// FORWARDED:: BY ORDER//


SECTION OFFICER